IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34304 of 2006(H)

PETITIONER:

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1. T.S.SHAFEEK,
S/O.T.M.SAIDU,
THEKKUMKUDIYIL HOUSE,
THATTAKKATTUKARA P.O.,
ROOM NO.21, 1ST FLOOR, ALUVA.

2. B.A.KHAISE,
S/O. ABDULKHADER,
ANJILIMOOTTIL HOUSE,
NOCHIMA, N.A.D.P.O.
ROOM NO. 5, ALUVA.

3. MATHEW,P.TOMAS,
S/O. LATE P.M. THOMAS,
HOUSE NO.5,K.K.P. NAGAR,
U.C.COLLEGE, P.O.
ROOM NO.15, ALUVA.

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

RESPONDENTS:

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1 THE ALUVA MUNICIPALITY, ALUVA,
REP. BY ITS SECRETARY.

2. STATE OF KERALA REPRSENTED BY THE SECRETARY,
DEPARTMENT OF REVENUE, THIRUVANANTHAPURAM.

BY V.M.KURIAN, S.C.

BY SRI.MATHEW G.VADAKKAL (G.P.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO.34304 of 2006

Dated this 21st day of December, 2006

JUDGMENT

Sri.V.M.Kurian, the learned Standing Counsel takes notice on behalf of the respondent Municipality and Sri.Mathew G.Vadakkal, the learned Government Pleader takes notice on behalf of the 2nd respondent. Sri.P.K.Aboobacker, the learned counsel for the petitioners invites my attention to Ext.P1 judgment. According to him, the petitioners are prepared to pay further amounts by way of stamp duty in case the decision of the Hon'ble Supreme Court comes to be against the petitioners. Having regard to the above submissions, this writ petition will stand disposed of with the following directions:

The petitioners are permitted to execute an agreement in stamp paper of value Rs.50/- in favour of the Municipality. In that agreement, the petitioners shall also undertake that in case the Hon'ble Supreme Court ultimately holds that further amounts should be paid by way of stamp duty, they will be ready

and willing to pay such stamp duty.

PIUS C.KURIAKOSE
Judge

dpk